

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Sec. 8-5
of the Code; relating to unsafe
structures, permitting
municipalities to establish by
ordinance their own
administrative processes to
address unsafe structures
within municipal boundaries

This ordinance was amended by the Infrastructure and Land Use Committee to clarify that demolition procedures to be adopted by any municipality, must still abide by the provisions of the County's historic preservation ordinance set forth in Chapter 16A of the Code.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro, and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE
COUNTY

Date: February 1, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance relating to unsafe structures, permitting municipalities to establish processes for appeals and addressing unsafe structures

The proposed ordinance permitting municipalities to establish their own administrative processes to address unsafe structures within municipal boundaries will have a net positive fiscal impact. If municipalities assume responsibility, there will be loss of revenue from unsafe structure board fees, but these losses will be offset by savings in current personnel cost. Not knowing which municipalities would implement this provision, the expected savings is difficult to calculate at this time.



Alex Munoz
Assistant County Manager

Fis0111





MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners **DATE:** February 1, 2011

FROM: R. A. Cuevas, Jr.  County Attorney **SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
2-1-11

ORDINANCE NO. _____

ORDINANCE RELATING TO UNSAFE STRUCTURES, PERMITTING MUNICIPALITIES TO ESTABLISH BY ORDINANCE THEIR OWN ADMINISTRATIVE PROCESSES TO ADDRESS UNSAFE STRUCTURES WITHIN MUNICIPAL BOUNDARIES, INCLUDING PROCESSES FOR APPEALS OF UNSAFE STRUCTURE CASES; PERMITTING MUNICIPALITIES ADOPTING THOSE ADMINISTRATIVE PROCESSES TO PROMULGATE THEIR OWN STANDARDS FOR DECLARING UNSAFE STRUCTURES WITHIN MUNICIPAL BOUNDARIES; AMENDING SECTION 8-5 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 8-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8-5. Unsafe Structures.

(a) *General.*

- (1) The Unsafe Structures Board and Unsafe Structures Appeal Panels are created to exercise in Miami-Dade County and within those municipalities as provided for hereafter the powers and duties granted by this Section. The Board shall have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions. The Appeal Panels shall have jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities as

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

provided for hereafter with respect to their powers, duties and functions. The Board shall be entrusted with hearing appeals of decisions of Building Officials declaring any structures located on properties within the municipalities and those structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels as described below to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels shall hear appeals of decisions of the Miami-Dade County Building Official declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels may hear appeals of decisions of Building Officials of the municipalities in this County declaring single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land to be unsafe where there is a danger to the health and safety of the citizens, all in the manner prescribed in this Section, when the municipality elects to have such appeals heard by the Appeal Panels rather than the Board. >>Notwithstanding the provisions of this section, a municipality may establish by ordinance its own administrative process to address unsafe structures within municipal boundaries, including a process for appeal of decisions of the Building Official that structures are unsafe. Following adoption of such ordinance, the municipality shall be solely responsible for the conduct of its own process and appeals, and for the enforcement of the laws governing unsafe structures within its jurisdiction. A municipality adopting such ordinance shall also be authorized to establish its own standards for declaring a structure to be unsafe, and for the repair or demolition of an unsafe structure, all consistent with the provisions of the Florida Building Code.<< >>If such structure has been designated historic and is under the County's

historic preservation jurisdiction, demolition procedures shall still abide by the process as set out in the Miami-Dade County's historic preservation ordinance as found in Chapter 15A.<<²

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Bruno A. Barreiro
Co-Sponsors: Commissioner Sally A. Heyman
Commissioner Jean Monestime

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.